

Remarks

Claims 1-47 are pending.

Claim 1 has been amended to remove unnecessary language.

Claim 5 has been amended to change its dependency to claim 1 from claim 4.

Also, claim 5 has been amended to state that the microorganism is fermented in the presence of the listed material. Support for this amendment is found in the specification on page 13, Table and footnote.

Claim 15 has been amended to remove a product name and include a range for the amount of resin. Support for this amendment is found in the specification on page 9, lines 28-30.

Claim 16 has been amended to change wording to gerund form of verb.

Claim 18 has been amended to change the word "containing" to "comprising" to ensure clarity of claim scope.

Claims 20-22 and 30-32 have been amended to include periods at the end of the claims.

Claim 23 has been amended to clarify that epothilone A and epothilone B must be present in order to have a ratio of epothilone B to epothilone A. Also, claim 23 has been amended to change the range of the increase in a ratio of epothilone B to epothilone A from two-fold to 1.5 fold. Support for this change is found in the specification on page 8, lines 19-20, and in original claim 25.

Claim 25 has been amended to change the range of the increase in the ratio of epothilone B to epothilone A from 1.5 fold to 2-fold. Support for this change is found in original claim 23.

Response to Restriction Requirement

The Examiner has restricted Claims 1-47 into seven groups:

- I. Claims 1-19, drawn to a process for the isolation of epothilone;
- II. Claims 20 and 31, drawn to a further process to prepare a derivative 2;
- III. Claims 21 and 30, drawn to a further process to prepare a derivative 1;
- IV. Claims 22 and 32, drawn to a further process to prepare a derivative 3;

V. Claims 23-29, drawn to a second process for cultivation of a microorganism to produce epothilone A or epothilone B;

VI. Claims 33-36, drawn to a strain of *Sorangium cellulosum*; and

VII. Claims 37-47, drawn to a third process for purifying an epothilone.

In response to the restriction requirement, Applicants herein provisionally elect Group I, claims 1-19.

Applicants further provisionally elect a single species ATCC PTA-3880. Applicants submit that Claims 1-12 and 14-19 are readable on the elected single species.

Applicants reserve the right to present nonelected claims in one or more divisional applications.

Applicants respectfully submit that no restriction is necessary in this case, as the seven groups of claims share a unifying inventive concept, namely, a process for preparing and isolating epothilone B, which may include optional steps to purify the epothilone, as well as other optional steps to prepare derivatives of epothilone B. Additionally, related to this process for preparing and isolating epothilone B are microorganisms useful in said process, as well as a method for cultivating the microorganisms to prepare epothilone B, which is useful in the process for preparing and isolating epothilone B.


For example, claims 20-22, which relate to processes to prepare derivatives of epothilone B, and claims 37-47, which relate to methods of purifying epothilone, are dependent claims to claim 1, and along with claims 2-19 of Group I, share the features of claim 1.

Applicants thus traverse the restriction requirement and respectfully request that a search and examination in this case be performed with regard to all claims now pending.

Applicants understand this is a provisional election for purposes of search and examination, and that, if the elected species is found to be allowable, applicants' claims covering other disclosed species will be fully considered and examined.

Applicants respectfully request rejoinder of the claims. Such immediate and favorable action is therefore respectfully requested. If a telephonic communication would further advance the prosecution of this application, the Examiner is invited to contact Applicants' representative at the telephone number provided.

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